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EXAMINER	
YANG, CLARA I	

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**	
Office Action Summary	10/684,028	MALONEY, WILLIAM C.	
	Examiner	**Art Unit**	
	Clara Yang	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2003*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-6* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *10 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892) ✓
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓
  Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the maximum word length of 150 words has been exceeded. Correction is required. See MPEP § 608.01(b).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the host server coupled to a locking mechanism of a door (see claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 1 is objected to because of the following informalities: The claim limitations employ the phrase "capable of." It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Loosmore et al. (US 5,682,142).

Referring to claim 1, Loosmore teaches the method comprising the steps of (a) providing each employee with a tag 1 or an electronic personal event tracking (PET) tag having a wireless transceiver 9 identified by a unique identification (ID) code, wherein tag 1 has a memory with the employee's security clearance data, such as the employee's identification (ID) number, the electronic version of the employee's thumbprint, the employee's security personal ID number (PIN), etc., which are also unique ID codes (see Fig. 1; Col. 2, lines 47-48; Col. 5, lines 52-55 and 60-63; Col. 6, lines 33-38 and 66-67; Col. 7, lines 1, 8-12; and Col. 10, lines 8-21 and 59-62); (b) providing fixed position nodes (FPNs) 20 (i.e., electronic area readers) throughout the work place (i.e., a monitored area), with preferably at least one per room or area to be monitored as well as along hallways, and at each entry and exit locations, wherein each FPN 20 has a wireless transceiver 34 that communicates with tags 1 within the vicinity of FPN 20 (see Figs. 2 and 3; Col. 5, lines 66-67; Col. 6, lines 1-8 and 28-29; Col. 7, lines 12-24; and Col. 10, lines 51-55 and 59-62); (c) establishing a communications link between FPN 20 and human interface (HI) nodes, which are host servers because they either contain all employee locations and work habits received from a polled FPN 20 in order to allow a manager to compile statistics of their employees' work habits or accumulate the time worked by an employee for determination of pay (see Col. 5, lines 39-44; Col. 6, lines 46-49 and 62-65; Col. 7, lines 27-43; Col. 10, lines 66-67; and Col. 11, lines 1-8); (d) monitoring the FPNs' detections of tags 1 as employees with tags 1 move about between the vicinities of the FPNs (see Col. 6, lines 2-6 and 17-29); and (e) processing the monitored detections to track the movements of the employees within the monitored facility (see Col. 7, lines 27-43; Col. 10, lines 66-67; and Col. 11, lines 1-8). Loosmore's monitoring is achieved by (1) FPNs 20 transmitting "seek-tag" messages (see Col. 6, lines 2-3 and 28-29; and Col. 10, lines 56-62); (2) at least one tag 1 receiving the message and transmitting its unique ID code in addition to the employee's security clearance data (see Col. 6, lines 3-6 and 28-29; and Col. 10, lines 59-62); (3) FPN 20 receiving tag 1's message, transmitting messages to tag 1, and causing tag 1 to store the entry time and location in its memory (see Col. 6, lines 17-20 and Col. 10, lines 62-65), wherein FPN 20's message indicates that FPN 20 has detected tag 1; (4) FPN 20 contacting tag 1 as the employee leaves the monitored area with the exit time and date information, which also indicate that FPN 20 has detected tag 1 (see Col. 6, lines 20-23); (5) tag 1 calculating the total time in the area and transmitting the calculated value to FPN 20 (see Col. 6, lines 23-25); and (6) FPN 20 receiving tag 1's calculation and storing the information, which is then used for payroll or employee evaluation purposes (see Col. 6, lines 25-27). Loosmore's HI nodes, which receives information from FPNs 20, then processes the monitored detections to (1) track the movements of the employees within the monitored facility in order to allow managers to view their employees' locations and compile statistics of their employees' work habits and (2) keep track of time worked (based on entry and exit times) that is accumulated on a weekly or monthly basis and then use the accumulated time worked for payroll purposes (see Col. 7, lines 8-18, 21-24, and 27-43; Col. 10, lines 66-67; and Col. 11, lines 1-8).

Regarding claim 2, though Loosmore teaches that FPN 20 at entry and exit locations "constantly send out 'seek-tag' messages" (see Col. 6, lines 2-3 and 20-23), the phrase "constantly send out" means that FPN 20 constantly transmits periodic "seek-tag" message because Loosmore specifies that (1) tags 1 and FPNs 20 exchange message by using acknowledged service (see Col. 3, lines 66-67; Col. 4, lines 1-3 and 7-9; and Col. 6, lines 2-3 and 20-23), and (2) each tag 1 and FPN 20 has a communications central processing unit (CPU) that uses carrier sense multiple access (CSMA) to determine that the communication channel is clear and when to transmit its message (see Col. 4, lines 61-67); thus there must be periods when FPN 20 halts transmitting its "seek-tag" message. As explained in the previous rejection of claim 1, tag 1 receives the "seek-tag" message and responds to the message with a reply signal including its unique ID code and its associated employee's security clearance data.

Regarding claim 3, per Loosmore, there are restricted areas within the monitored facility, and Loosmore's method also includes the step of detecting the presence of tag 1 approaching a restricted area and denying access if the detected tag 1 is assigned to an employee unauthorized to enter the restricted area (see Col. 2, lines 47-48; Col. 3, lines 59-66Col. 4, lines 30-38; Col. 6, lines 2-8 and 28-38; and Col. 10, lines 59-65).

Regarding claim 4, as shown in Fig. 3, Loosmore's HI nodes, such as the accountant node, and FPNs 20 (or FPNs 101 in Fig. 3) are connected via a network. In addition each FPN 20 is connected to door 110's lock (see Col. 10, lines 62-65); thus each HI node is operatively coupled to door 110's lock via FPN 20. Per Loosmore, the step of denying access comprises locking door 110 (see Col. 10, lines 62-65).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loosmore et al. (US 5,682,142) as applied to claim 1 above, and further in view of Lane (US 5,623,552) and further in view of Matchett et al. (US 5,229,764).

Regarding claims 5 and 6, Loosmore discloses tag 1 storing in its memory an employee's biometric information, such as the employee's thumbprint (see Col. 6, lines 33-35). The employee uses a thumbprint reader to scan his or her thumb upon an entry request, and the scanned thumbprint is compared to the stored image on tag 1 (see Col. 6, lines 35-38). Loosmore fails to expressly teach (1) providing the thumbprint scanner (i.e., a biometric sensor or a fingerprint reader) on tag 1, as called for in claims 5 and 6, and (2) periodically requiring the employee wearing tag 1 to provide biometric input to the thumbprint scanner to insure that tag 1 is being worn by its assigned employee, as called for in claim 5.

In an analogous art, Lane teaches an authentication system comprising an ID card 100 (see Col. 1, lines 17-19 and Col. 4, lines 62-66), as shown in Figs. 1A and 2, having a fingerprint sensor 102 in addition to a memory 103 storing a user's fingerprint (see Col. 5, lines 7-11).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Loosmore's method as taught by Lane because providing the thumbprint scanner (i.e., a biometric sensor or a fingerprint reader) on tag 1, as called for in claims 5 and 6, (1) enables employee verification without external thumbprint scanners, which dramatically increase the costs and complexity associated with an identification card system (see Lane, Col. 1, line 67 and Col. 2, lines 1-13) and (2) ensures that only the rightful holder uses tag 1, thereby protecting tag 1's information (see Lane, Col. 2, lines 66-67 and Col. 3, lines 1 7).

Loosmore and Lane, however, fail to teach the step of periodically requiring the employee wearing tag 1 to provide biometric input to the thumbprint scanner to insure that tag 1 is being worn by its assigned employee, as called for in claim 5.

In another analogous art, Matchett teaches an authentication system comprising a portable unit 401, as shown in Fig. 4 (see Col. 9, lines 13-18). Portable unit 401 includes a plurality of biometric authentication devices (BAD) 430, 432, 434, 436, and 438 and microprocessor 410 that periodically prompts each BAD to test the user in order for a user to continue accessing a protected device (see Figs. 6A and 6B, steps 48, 51-58, 63-65, and 45; Col. 1, lines 6-11; Col. 2, lines 58-66; Col. 9, lines 19-43; Col. 10, lines 47-53 and 56-68; and Col. 11, lines 1-3 and 8-15).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Loosmore and Lane's method as taught by Matchett because periodically requiring the employee wearing tag 1 to provide biometric input to the thumbprint scanner to insure that tag 1 is being worn by its assigned employee, as called for in claim 5, prevents an unauthorized employee from using a tag 1 after tag 1's associated employee has been authenticated by tag 1 (see Matchett, Col. 2, lines 58-66).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Muhm (US 5,886,634) teaches an item removal system and method comprising tags attached to individuals and objects, a base station (i.e., area reader) having a transceiver that communicates with each tag within the base station's vicinity, and a host server communicating with the base station.
- Ulrich et al. (US 6,344,794) teach a personnel and asset tracking method and system comprising tags attached to employees and assets, monitoring systems (i.e., area readers) detecting each tag within its vicinity, and a central server (i.e., host server) communicating with the monitoring systems via a hospital network.
- Przygoda, Jr. et al. (US 6,373,389) teach a system for tracking and monitoring at least one item, such as an employee, wherein the system includes at least one transmitter assigned a unique ID code and attached to the item, at least one receiver receiving signals from transmitters within its vicinity, and a host server communicating with at least one receiver.
- Hovind et al. (US 6,433,689) teach a system for supervising and controlling people and objects within a building comprising a plurality of electronic ID chips that are attached to people and objects, each chip storing a unique ID code and having a transceiver, a plurality of stationary detectors (i.e., area readers) communicating bi-directionally with the chips, and a central control unit (i.e., host server) communicating with the detectors.
- Sawyer (US 6,933,849) teaches a method and apparatus for tracking people and objects, the apparatus comprising radio frequency identification (RFID) transponders attached to people and objects, area readers detecting RFID transponders within their vicinity, and a host server communicating with the area readers.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (571) 272-3062. The examiner can normally be reached on 9:00 AM - 7:30 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CY

Clara Yang

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